Filed 01/31/2006 Page 1 of 5

ZA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

IMPULSE MARKETING GROUP, INC.,

Plaintiff,

v.

DECLARATION OF DIRECT
CONTACT MEDIA, INC. IN

NATIONAL SMALL BUSINESS ALLIANCE,
INC. and DIRECT CONTACT MEDIA,
INC.,

Defendants.

Defendants.

Direct Contact Media, Inc., pursuant to 28 U.S.C. ¶ 1746, hereby declares under penalty of perjury that the following is true and correct:

- 1. My name is Raymond Longino and I have been authorized by Direct Contact Media, Inc. (hereinafter "DCM") to make this declaration. The statements contained herein are based upon my personal knowledge and are known by me to be true except where they are stated upon information and belief.
- 2. I make this declaration in support of DCM's motion to dismiss the Complaint with prejudice for lack of personal jurisdiction and failure to state a claim upon which relief can be granted.
- 3. I am DCM's Chief Operating Officer. DCM is a corporation organized under the laws of the State of California with its principal place of business in California.

- 4. DCM is not continually "doing business" in New York nor has it "transacted business" in New York with respect to the allegations contained in the Complaint.
- 5. DCM maintains no licenses to conduct business in New York. It has not and does not maintain a physical presence in New York.
- 6. DCM has no employees, officers or directors in New York.
- 7. DCM does not maintain an office, warehouse or other physical facility in New York nor does it own, rent or lease any real property here.
- 8. DCM has no bank account or agents in New York and it has no branches or subsidiaries in New York.
 - 9. DCM has no telephone listing in New York.
- 10. Neither I nor anyone else employed by or representing DCM ever came to New York to negotiate with the plaintiffs or with NSBA on any matter. In fact, no representative or agent of DCM has ever been to New York to transact any business having anything to do with the occurrences described in the Complaint.
- 11. DCM is not a party to the contract that forms the basis of this suit.
- 12. I understand that DCM was named as a defendant in this lawsuit because it supposedly is an "alter ego" of the other

defendant, National Small Business Alliance, Inc. ("NSBA"). That accusation is patently untrue.

- 13. DCM is a vendor that provides marketing services to NSBA. It has no physical facilities, executives or employees in common with NSBA.
- 14. I hereby declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct to the best of my knowledge, information and belief. I understand that I may be subject to punishment if any statement is willfully false.

Dated: October 11, 2005

Raymond Longino

[SEE ATTACHED]

NOTARY PUBLIC

| STATE OF CALIFORNIA, COUNTY OF San Dugo | } s.s. |
|--------------------------------------------|------------------------------------------------------------------------------------------------------|
| On Oaf. 12, 2005 | _, before me, MA TERESA S. ABALOS _, a Notary Public in and for said County and State, personally |
| appeared faymond Longino - | |
| personally known to me (or proved to me on | FOR NOTARY SEAL OR STAMP |

the basis of satisfactory evidence) to be the person(s) whose name(s) is/are-subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Notary Public - California Son Diego County My Comm. Expires Jul 19, 2007

| STATE OF CALIFORNIA, COUNTY OF Son Dugo | |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| On Oct. 12, 2005 appeared Caymond Longino | _, before me, MA |
| personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to | FOR NOTARY SEAL OR STAMP |

WITNESS my hand and official seal

acted, executed the instrument.

the within instrument and acknowledged to me that he/she/they executed the same in his/her/their

authorized capacity(ies), and that by his/her/their

signature(s) on the instrument the person(s), or

the entity upon behalf of which the person(s)

